



City Council Meeting
CIBOLO MUNICIPAL BUILDING
200 S. MAIN
December 10, 2013
7:00 P.M.

MINUTES

1. Call to Order – Meeting was called to order by Mayor Jackson at 7:01 p.m.
2. Roll Call – Council Present: Mayor Jackson, Councilman Garrett, Councilman Castro, Councilman Doty, Councilman Carlton, Councilman Hogue and Councilman Dunn; Council Absent: Councilman Pedde. Staff Present: City Manager Herrera, City Attorney Banks, City Secretary Cimics, ED Director Luft, Fire Chief Niemietz, Police Chief Cox, Finance Director Miranda, Public Works Director Fousse and Planning/Dev Services Stricker.
3. Invocation – Invocation was given by Councilman Castro.
4. Pledge of Allegiance – The Pledge of Allegiance was recited by all in attendance.
5. Ceremonial
 - A. Administering the oath of office to appointed Council Members James Doty Jr. and Jay Hogue.

City Secretary Cimics administered the oath of office to Councilman Doty, District 4 and Councilman Hogue, District 6. Immediately after receiving the oath of office both newly appointed council members took their seats at the dais.
6. Executive Session

The City Council will meet in Executive Session as authorized by the Texas Gov't Code Section 551.071 Consultation with Attorney to discuss the following:

 - A. Discussion regarding the pending litigation of Bentwood Ranch Homeowners Association vs. City of Cibolo.

Council adjourned into Executive Session at 7:07 p.m.
7. Open Session

Reconvened into Regular Session and take/or give direction, if necessary, on items discussed in Executive Session.

Council reconvened into Regular Session at 7:37 p.m.

8. Discussion

- A. Receive update from Attorney Lowell Denton concerning the Bentwood Ranch Lawsuit.

Attorney Denton from the City Law Firm of Denton, Navarro, Rocha & Bernal explained to those in attendance at the meeting an update on the pending litigation of Bentwood Ranch Homeowners Association vs. City of Cibolo. He did explain that discovery was taking place. The City was filing a Motion of Summary Judgment and they expect a hearing to take place sometime in January or February 2014.

9. Citizens to be Heard

This is the opportunity for visitors and guests to address the City Council on any issue. City Council may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time, however, City Council may present any factual response to items brought up by citizens.

The following citizens signed up to be heard:

Brent Hartman – President of the Falcon Ridge Home Owners Association thanked the Public Works employees for the trimming of trees. Josh Welch of 310 Cascade Cove and a member of the Bentwood Owners Association first thanked the City Staff for a wonderful job on Cibolofest. He also stated as a member of his HOA he was never contacted about suing the City and that he was not in favor of this action nor should his HOA dues be used to pay for the lawsuit. Beth Gregory of 627 Dean Road lives near the Warbler Woods Bird Sanctuary and she was against the thoroughfare plan on Dean Road. Maggie Titterington from the Schertz Chamber gave information about the Grand Opening of Emily's Place in Cibolo, Decca Scholarships given to students at the luncheon and a update on the FM 3009 TXDot Project. Teresa Keck of 118 Cloverleaf in San Antonio talked about the Bird Sanctuary and the database used to collect information of bird species. Don and Susan Schaezler of 19349 Old Wiederstein Road both talked about the Bird Sanctuary the visits by children and the different birds that visit the area. Steve and Robin Berg of 581 Dean Road were concerned about the widening of Dean Road and the watershed concerns and flooding issues.

10. Public Hearing

- A. The City of Cibolo will hold a Public Hearing regarding the assignment of permanent zoning from the Agricultural (AG) district to the High Intensity Single-Family Residential (SF-3) district for approximately 21.303 acres along the east side of FM 1103 north of the Mesa at Turning Stone and Landmark Pointe Subdivisions that may be annexed into Cibolo on December 10, 2013 and the re-zoning of 12.194 acres immediately north of the Mesa at Turning Stone and Landmark Pointe Subdivision from the Rural Single-Family Residential (SF-1) district to the High Intensity Single-Family Residential (SF-3) district; which combined result in a total of 33.497 acres being rezoned to SF-3.

Mayor Jackson opened the Public Hearing at 8:05 p.m. No citizen wish to speak and the Mayor closed the Public Hearing at 8:05 p.m.

- B. The City of Cibolo will hold a Public Hearing concerning assignment of permanent zoning from the Agricultural (AG) district to the General Commercial (C-4) district for approximately 5.001 acres located along the west bound I-10 frontage road between Santa Clara and Zuehl Road that may be annexed into Cibolo on December 10, 2013.

Mayor Jackson called the Public Hearing opened at 8:06. No citizens wish to speak on this subject and Mayor Jackson closed the Public Hearing at 8:06 p.m.

- C. The City of Cibolo will hold a Public Hearing concerning possible amendments to the Future Thoroughfare Plan for the area bounded by Cibolo Valley Drive, FM 1103 and Green Valley Road. Particular emphasis will be given to Buffalo Crossing, Weidner Road, Town Creek Road and a proposed arterial to connect FM 1103 in the vicinity of Steele High School with Green Valley Road.

Mayor Jackson opened the Public Hearing at 8:06 p.m. No one wish to speak and the Public Hearing was closed by Mayor Jackson at 8:07 p.m.

- D. The City of Cibolo will hold a Public Hearing concerning the assignment of permanent zoning from the Agricultural (AG) district to the Single-Family Residential (SF-3) district for approximately 143.5 acres south of Green Valley Road, north of Weidner Road, east of Town Creek East that may be annexed into Cibolo on December 10, 2013.

This item was pulled by the Developer and will not be heard at this time.

- E. The City of Cibolo will hold a Public Hearing regarding the rezoning of approximately 98.406 acres immediately north of Turning Stone and west of FM 1103, of which approximately 92.32 would be rezoned from Single-Family Residential (SF-1) zoning district to the Single Family Residential (SF-3) zoning district and approximately 6.086 acres fronting FM 1103 from the Single-Family Residential (SF-1) zoning district to the Retail Office (C-3) zoning district to match the residential and commercial zoning of properties in the adjoining Turning Stone development.

This item was pulled by the Developer and will not be heard at this time.

11. Consent Agenda – Consent Items (General Items)

- A. Approval of the minutes of the Regular City Council Meeting held on November 14, 2013.
- B. Approval of the minutes of the Special City Council Meeting held on November 14, 2013.
- C. Approval of the minutes of the Special City Council Meeting held on December 3, 2013.
- D. Acceptance of the October 2013 Check Register pending final acceptance of the City's financial audit for the 2013/14 Fiscal Year.
- E. Acceptance of the Revenue & Expense Report ending October 31, 2013 pending final acceptance of the City's financial audit for the 2013/14 Fiscal Year.
- F. Approval of the Planning & Developmental Services Department Report for November 2013.
- G. Approval of the Court Department Report for November 2013.

- H. Approval of the Fire Department Report for November 2013.
- I. Approval of the Police Department Report for November 2013.
- J. Approval of the Street Department Report for October and November 2013.
- K. Approval of the Utility Department Report for October and November 2013.
- L. Approval of the Parks Department Report for October and November 2013.
- M. Approval of the Drainage Department Report for October and November 2013.

Councilman Castro moved to approve the consent agenda. Motion was seconded by Councilman Carlton. For: Council Members: Garrett, Doty, Hogue, Dunn, Castro and Carlton; Against: None. Motion carried 6 to 0.

12. Discussion/Action

- A. Discussion/Action on the removal, appointments and re-appointments to Planning and Zoning Commission, Parks Commission, Streets and Drainage Commission, Board of Adjustments Commission, Capital Improvement Program (CIP), Charter Review Committee and Cibolo Economic Development Corporation.

Council interviewed several citizens for various positions on committees and commissions. Councilman Garrett moved to appoint JC Dufresne to the Planning & Zoning Commission. Motion was seconded by Councilman Castro. For: Council Members: Garrett, Castro and Hogue; Against: Council Members: Dunn, Doty and Carlton. Mayor Jackson was required to break the tie and she voted for the appointment of Mr. Dufresne. Motion carried by a vote of 4 to 3. Councilman Castro moved to appoint Claudia Walker to the Street and Drainage Commission. Motion was seconded by Councilman Dunn. For: Council Members: Garrett, Doty, Castro, Carlton, Hogue and Dunn; Against: None. Motion carried 6 to 0. Councilman Carlton moved to re-appoint Jennifer Schultes and Stan Boyle to the Parks Commission. Motion was seconded by Councilman Dunn. For: Council Members: Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 6 to 0. Council appointed Councilman Carlton and Councilman Garrett as Liaison to the Parks Commission. Councilman Hogue and Councilman Dunn were assigned Liaison to the Street and Drainage Commission. Councilman Pedde and Councilman Doty were assigned as Liaison to the Planning & Zoning Commission. Councilman Castro and Councilman Pedde were assigned Liaisons to the Economic Development Corporation.

Mayor Jackson called a five minutes recess at 8:29 p.m.

Meeting was called back to order by Mayor Jackson at 8:35 p.m.

- B. Discussion/Action on the re- appointment of the Municipal Judge Edmund Phillips Jr. and a report on the State of the Court by Judge Phillips.

Councilman Carlton made the motion to re-appoint Judge Edmund Phillips as the City of Cibolo Municipal Judge for another term. Motion was seconded by Councilman Dunn. For: Council Members: Garrett, Castro, Doty, Carlton, Hogue and Dunn. Motion carried 6 to 0. Judge

Phillips gave council a briefing of the court and he stated that the Municipal Court had over 2050 cases during the 2013 calendar year.

C. Discussion/Action regarding the Preliminary Acceptance of Turning Stone Unit W-3.

Councilman Carlton moved to approve the Preliminary Acceptance of Turning Stone Unit W-3. Motion was seconded by Councilman Doty. For: Council Members: Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 6 to 0.

D. Discussion/Action regarding the Final Plat of Cibolo Summit Phase I (ROW, Easements, Common Area & Parkland) and a variance from the UDC to allow an 8' wide sidewalk along one side of Green Valley Road in lieu of 5' setbacks along each side of Green Valley Road.

Council decided they would due two motions on this item. The first motion was for the approval of the Final Plat of Cibolo Summit Phase I (ROW, Easements, Common Area & Parkland) and this motion was made by Councilman Doty. Motion was seconded by Councilman Carlton. For: Council Members: Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 6 to 0. The second motion was made by Councilman Garrett for approval of a variance subject to the conditions 1) Provide a Green Valley crosswalk at the proposed road leading into Pods U6A and U6B. 2) Provide a regulation 5' wide sidewalk on the west side of Green Valley Road between Town Creek Road and the road that leads into Pods U6A and U6B. This motion was seconded by Councilman Hogue. For: Council Members: Dunn, Hogue, Carlton, Doty, Castro and Garrett; Against: None. Motion carried 6 to 0.

E. Discussion/Action regarding the Preliminary Plat of Cibolo Summit Unit 1.

Councilman Castro moved to approve the Preliminary Plat of Cibolo Summit Unit 1. Motion was seconded by Councilman Dunn. For: Council Members: Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 6 to 0.

F. Discussion/Action on amendments to the Future Thoroughfare Plan in the area bounded by Cibolo Valley Drive, FM 1103 and Green Valley Road.

Councilman Carlton moved to approve the amendments to the Future Thoroughfare Plan in the area bounded by Cibolo Valley Drive, FM 1103 and Green Valley Road. Motion was seconded by Councilman Hogue. For: Council Members: Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 6 to 0.

G. Discussion/Action to transfer ownership of approximately .4645 acres to the Economic Development Corporation.

Council gave staff the direction to explore options and to bring the item back at a later date.

H. Discussion and direction to staff on zoning that has taken place in Cibolo since 2006.

Mr. Anderson the City Planner went over zoning that occurred in the City since 2006. He talked about the Zoning Advisory Board that was formed in 2009 to look at the entire zoning in the City.

- I. Discussion and consider a request from the San Antonio Builders Association to revisit City Ordinance 1075 and Ordinance 1076 and provide direction to city staff.

There was a long discussion with council and homebuilders that were present at this meeting on the impact of these ordinances. Kim Shrum of the Greater San Antonio Builders Association stated that she represented some 200 building companies and they were having a were difficult time meeting the requirements of these ordinances due to obtaining the supplies, the cost of the item (adding approximately \$6,000 to \$8,000) and the training required for the proper installation of the product. Ms. Shrum requested a repeal of the ordinance or at least a delay in implementing the ordinances. Mr. Brian Burron, Director of Construction for Lennar Homes spoke in council on this subject. He stated that his company tried this in Houston, Texas and it failed miserably. This product would also limit the color to 4 or 5 and once it is painted over it will void the warranty. Mason Binder also spoke to council and he works the James Hardy products. Mr. Binder stated that this type of Hardy Plank was made for the northern part of the country. A person is required to have special training to install this product as it is very fragile. The only savings he sees for the homeowner would possible be a cost savings of one paint cycle if the homeowner was to paint over the hardy plank during the warranty period it would void the warranty. Adolfo Canales and Jeff Czar both from Armadillo Homes stated that this ordinance would affect their homebuilding in Cibolo. At the present time Armadillo Homes did not have many employees trained in the specialized handling and installation of the hardy plank the City is requiring. This will affect the time frame of the houses being built. Council gave direction to staff to work together with the San Antonio Builders Association and Masonry Council and bring an update ordinance back to council at a later date.

- J. Receive a Report on Cibolofest 2013.

City Secretary Peggy Cimics gave a report to council on the number booths, activities and sponsors to Cibolofest 2013. Ms. Cimics also thanked all the City employees that help to make this event a success.

- K. Discussion/Action and authorization for the City Manager to enter an Interlocal Agreement with Tarrant County to join their Cooperative Purchasing Program.

Councilman Castro moved to authorize the City Manager to enter an Interlocal Agreement with Tarrant County to join their Cooperative Purchasing Program. Motion was seconded by Councilman Carlton. For: Council Members: Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 6 to 0.

- L. Discussion/Action on the review and confirmation of all upcoming special meetings and workshops and scheduling the time, date, and place of additional special meetings or workshops.

Council went over the calendar for December 2013 and January 2014.

13. Ordinances

- A. Approval/Disapproval of an Ordinance of the City of Cibolo ordering and declaring the 2013 Charter Amendments adopted.

Councilman Carlton made the motion to approve the ordinance ordering and declaring the 2013 Charter Amendments adopted. Motion was seconded by Councilman Hogue. For: Council

Members: Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 6 to 0.

- B. Approval/Disapproval of an Ordinance of the City of Cibolo amending Ordinance No. 592 electric and gas franchise to City Public Service (CPS Energy).

Councilman Carlton moved to approve the ordinance amending Ordinance No. 592 electric and gas franchise to City Public Service (CPS Energy). Motion was seconded by Councilman Dunn. For: Council Members: Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 6 to 0.

- C. Approval/Disapproval of an Ordinance of the City of Cibolo to clarify the boundary between the City of Schertz and City of Cibolo for property located north of the Mesa at Turning Stone and Landmark Pointe Subdivisions that may be annexed into the City of Cibolo.

Councilman Castro moved to approve the ordinance to clarify the boundary between the City of Schertz and City of Cibolo for property located north of the Mesa at Turning Stone and Landmark Pointe Subdivisions that may be annexed into the City of Cibolo. Motion was seconded by Councilman Carlton. For: Council Members: Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 6 to 0.

- D. Approval/Disapproval of an Ordinance on the voluntary annexation of approximately 21.303 acres along the east side of FM 1103 immediately north of the Mesa at Turning Stone and Landmark Pointe Subdivisions.

Councilman Carlton moved to approve the ordinance on the voluntary annexation of approximately 21.303 acres along the east side of FM 1103 immediately north of the Mesa at Turning Stone and Landmark Pointe Subdivisions. Motion was seconded by Councilman Garrett. For: Council Members: Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 6 to 0.

- E. Approval/Disapproval of an Ordinance on the voluntary annexation of approximately 5.001 acres located along the west bound I-10 frontage Road between Santa Clara Road and Zuehl Road.

Councilman Castro moved to approve the voluntary annexation of approximately 5.001 acres located along the west bound I-10 frontage Road between Santa Clara Road and Zuehl Road. Motion was seconded by Councilman Carlton. For: Council Members: Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 6 to 0.

- F. Approval/Disapproval of an Ordinance to assign permanent zoning from Agricultural (AG) district to the High Intensity Single-Family Residential (SF-3) district for approximately 21.303 acres along the east side of FM 1103 north of the Mesa at Turning Stone and Landmark Pointe Subdivisions and the rezoning of 12.194 acres immediately north of the Mesa at Turning Stone and Landmark Pointe Subdivisions from the Rural Single-Family Residential (SF-1) district to the High Intensity Single Family Residential (SF-3) district; which combined result in a total of 33.497 acres being rezoned to SF-3.

Councilman Castro moved to approve an ordinance to assign permanent zoning from Agricultural (AG) district to the High Intensity Single-Family Residential (SF-3) district for approximately 21.303 acres along the east side of FM 1103 north of the Mesa at Turning Stone

and Landmark Pointe and the rezoning of 12.194 acres immediately north of the Mesa at Turning Stone and Landmark Pointe Subdivisions from the Rural Single-Family Residential (SF-1) district to the High Intensity Single Family Residential (SF-3) district; which combined result in a total of 33.497 acres being rezoned to SF-3. For: Council Members: Dunn, Hogue, Carlton, Doty and Castro; Against: None; Abstain: Councilman Garrett. Motion passed 5 to 0 with one abstention.

- G. Approval/Disapproval of an Ordinance to assign permanent zoning from the Agricultural (AG) district to the General Commercial (C-4) district for approximately 5.001 acres located along the west bound I-10 frontage Road between Santa Clara Road and Zuehl Road.

Councilman Doty moved to approve the ordinance to assign permanent zoning from the Agricultural (AG) district to the General Commercial (C-4) district for approximately 5.001 acres located along the west bound I-10 frontage Road between Santa Clara Road and Zuehl Road. Motion was seconded by Councilman Dunn. For: Council Members: Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 6 to 0.

14. Resolutions

- A. Approval/Disapproval of a Resolution by the City of Cibolo accepting a dedication of a 23 foot right-of-way made by developer/owner Blanton Family Limited Partnership, Perry Blanton in connection with the construction of the Development known as "Turning Stone".

Councilman Carlton moved to approve the resolution accepting a dedication of a 23 foot right-of-way made by developer/owner Blanton Family Limited Partnership, Perry Blanton in connection with the construction of the Development known as "Turning Stone". Motion was seconded by Councilman Doty. For: Council Members: Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 6 to 0.

15. Executive Session

The City Council will meet in Executive Session as authorized by the Texas Gov't Code Section 551.074 Personnel Matters and Section 551.071 Consultation with Attorney to discuss the following:

- A. Confer with the City Manager and Director of Planning and Development Services concerning a personnel matter.

Council convened into Executive Session at 11:35 p.m.

16. Open Session

Reconvened into Regular Session and take/or give direction, if necessary, on items discussed in Executive Session.

Council reconvened into Regular Session at midnight.

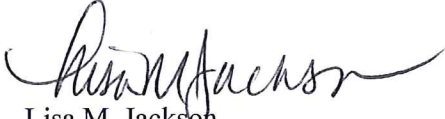
17. City Council request(s) regarding specific items to be scheduled for future agendas.

Council requested a follow-up on the Hardy Plank issue.

18. Adjournment:

Councilman Dunn moved to adjourn the meeting at 12:01 a.m. Motion was seconded by Councilman Carlton. For: All; Against: None. Motion carried 6 to 0.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY 2014.



Lisa M. Jackson
Mayor

ATTEST



Peggy Cimics, TRMC
City Secretary

